

REMARKS

The Applicants request reconsideration of the rejection.

Claims 21, 22, 25 and 26 are now pending.

The Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview of May 13, 2009. It is believed that significant progress was achieved during the interview, and the above amendments have been made to address points raised by the Examiner with an eye to advancing prosecution.

In particular, the independent claims have been amended to emphasize distinctions between 1) the similarity of an object document "as a whole" to a seed text, and 2) the inclusion degree for each object document with respect to the seed text. Now, the claims denote as a "total similarity" the similarity of an object document "as a whole" to a seed document. Further, this "total similarity" pertains to each unpartitioned object document as a whole, with respect to the seed text. In contrast, the "inclusion degree" is calculated as a ratio representing the presence of similarities in blocks (partitions of each object document) as well as their distribution throughout the object document. That is, whereas the total similarity pertains to the similarity between the object document as a whole (i.e., unpartitioned) and the seed text, the inclusion degree is a ratio of the number of blocks satisfying a predetermined condition to the total number of blocks of each object document, where a block that satisfies the condition is a block having a similarity to the seed text that satisfies the condition.

Another approach to understanding the difference is to consider the total similarity as representing the occurrence of specific similarities, for example,

between each (unpartitioned) object document and the seed text without regard to whether the similarities are locally grouped or scattered throughout the object document. Then, the inclusion degree can be considered to represent the occurrence of similarities between each object document and the seed text overall throughout each object document, by taking into consideration the similarity of each partition ("block") of each object document such that the inclusion degree rates the similarity based on how many blocks are similar to the seed text. Thus, by this approach, the total similarity may be considered a comparison of the seed text to the unpartitioned object document as though it were a single block, in contrast to comparing the seed text to plural blocks partitioned from the object document.

Turning to the Office Action, claims 21-24 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, the Applicants have amended these claims to ensure compliance with §101. It is believed that agreement was reached during the interview that these amendments overcome this rejection.

Claims 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Numata, U.S. Patent No. 5,943,669 (Numata) in view of Mohan et al., U.S. Patent No. 6,970,881 (Mohan), Yadav et al., U.S. Patent Publication No. 2004/0186828 (Yadav), and Inaba, et al., U.S. Patent Publication No. 2003/0004928 (Inaba). The Applicants again traverse.

As explained during the interview, the Applicants believe that, rather than showing an indication of both a total similarity of the object document as a whole to the seed text and an inclusion degree representing local similarity between the two, Numata only displays a descending "comparison" of structural elements deemed to

have a measured similarity. These structural elements of the document (i.e., "chapter", "document", etc.) are display-ranked as to similarity only, without calculated values meeting the claimed "inclusion degree" and "total similarity" as required by the claims. For contrast, the Applicants refer to Fig. 5 of the present application, which shows a display by which one can ascertain that document 2 appears to have a greater total similarity (1.14 to 1.06) than document 1, suggesting a greater similarity of document 2 as a whole to the seed text than that of document 1 as a whole to the seed text. However, the display also shows that document 1 has a greater inclusion degree (0.75 to 0.25) than that of document 2, suggesting that document 1 is locally more relevant by a large margin, and thus likely represents a more relevant document with respect to the seed text. In the example to which Fig. 5 pertains, the seed text relates to a sporting event (the "Sports Championship Cup"), and the two object documents describe, respectively, Sports Championship Cup news (document 1) and an economic depression upon which the Sports Championship Cup is having little effect. Accordingly, the ability to calculate and display both the total similarity and the inclusion degree permits one to utilize both pieces of information at a glance, and for easy comparison, to assist in determining which of the object documents (in this case, document 1) is relevant (or more relevant).

None of Numata, Mohan, Yadav, and Inaba is seen to disclose or fairly suggest the combination now recited in claims 21 or 22 (or, by extension, new dependent claims 25 or 26), regardless of any general prior art disclosure of "inclusion degree" per se. Therefore, the Applicants request reconsideration.

Claims 23-24 have been canceled without prejudice, rendering moot their rejection under 35 U.S.C. §103(a) as being unpatentable over Numata, Mohan, Yadav, and Schilit, et al., U.S. Patent No. 6,842,876.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Brundidge & Stanger, P.C., Deposit Account No. 50-4888 (referencing attorney docket no. 500.43154X00).

Respectfully submitted,

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